

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

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7.010. Administration of the ordinance. Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless it is in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020. The enforcement officer. The provisions of this ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.

- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030. Building permits. It shall be unlawful to commence the excavation for, or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit thereof, issued by the Building Inspector. If said excavation or construction is begun without a proper building permit, the building permit fee shall be double or twice the original cost of the permit, if legal compliance has been obtained as is required herein.

No Building Permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application:

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of buildings or other structures already on the lot, as well as the elevation of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
5. Water and sewer line locations and sizes.
6. Location and size of existing and proposed drainage structures.
7. Distance to nearest street intersection from front corner of the lot.

B. Fee:

The Mayor and City Council shall establish a schedule of fees and a collection procedure for Building Permits. This schedule of fees shall be posted in the office of the Building Inspector as well as in another public place within the City Hall. Only the City Council may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit:

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a

Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this ordinance.

D. Construction Progress:

Any Building Permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance, or if the work authorized by the permit is suspended or discontinued for a period of six (6) months.

7.040. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in ARTICLE IV, SECTION 4.030 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Mayor and City Council. Such schedule shall be posted in the office of the Building Inspector as well as on a public bulletin board at City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.050. Certificate of occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing giving the cause for such refusal.

7.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206, of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, as well as all pertinent information as cited within Section 3.120.A. of this ordinance which is necessary to properly evaluate the effect that the request will have on adjacent and nearby properties, as per the various criteria cited herein in Section 7.060.C. All such applications shall be presented to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals, if said request is to be officially entertained by the board of zoning appeals at it's next regularly scheduled meeting. All plans submitted as a part of this application shall be prepared by a licensed surveyor or, architect, or engineer certified to do business in the State of Tennessee.

B. General Requirements: A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provision of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in Item 1. above, and the economic, noise, vibrational, glare and/or, or odor effects of the special exception on adjoining properties, and properties generally in or nearby.
3. Refuse and service areas, with particular reference to the Items in 1, and 2, above.
4. Utilities, with reference to location, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, as well as the compatibility and harmony with properties in the district.
7. Required yards and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. The following additional rules apply for upper story residential development proposals:
 - a. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.

- b. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Ashland City Municipal Code.

10. The ability to provide adequate fire protection to the site.

D. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval process of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date wherein such application is officially entertained by the Board, and the applicant shall be provided with either a written notice of approval or denial.

7.061. Conditional Use Permits. In addition to the requirements of the applicable district and the general requirements set forth above in Section 7.060.C, a conditional use permit shall be granted for the activities specified herein, only when the following standards established are met as part of the condition for issuing the permit in the applicable zone districts.

It shall be unlawful to issue any building permit or conditional use permit under Sections 7.030 and 7.060, of this ordinance, to any use of land, if such a request for said permit is officially made after a period of twelve (12) months has lapsed between the date wherein the plans for said conditional use (special exception) were officially approved, and the date wherein a building permit for said use is officially requested. After this period of time has elapsed, all previously approved plans shall be considered null and void. Thereafter, a new set of plans prepared by either a licensed professional surveyor, architect, or engineer certified to practice in Tennessee, shall be prepared utilizing the current date, which must be resubmitted to the board of appeals under the requirements of Sections 7.060 and 7.061, for approval. No applicable permits shall be issued concerning said request until approval of such plans is obtained from the board of zoning appeals. Performance bonds or letters of credit for such plans shall be provided according to the following provisions:

- 1. All plans presented for review and approval as conditional uses (special exceptions) to the Ashland City Board of Zoning Appeals shall subsequently be bonded by way of either a performance bond or letter of credit, as per provision 4, below. This surety instrument shall cover improvements shown on the site in the amount of one hundred and ten (110) percent of cost of said improvements.

2. Said improvements shown on such plans may include, but are not limited to, existing road improvements, buffer strips, landscaping requirements, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, and/or any other improvements required by the Board of Zoning Appeals before such plans are approved.
3. The performance bond or letter of credit must be payable to the Ashland City Mayor and City Council.
4. The performance bond or letter of credit may be retained for a period of one year from the date wherein the building permit is issued for the structure/site requiring previous site plan approval as a conditional use (special exception). If improvements have been made within the one year period, the Mayor and City Council shall release the bond after the inspection of all required improvements, and approval of those improvements by the board of zoning appeals, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Mayor and City Council of the Town of Ashland City shall retain and cash the performance bond to facilitate the completion of such improvements.

7.061.1 Special Conditions for Education Facilities:

- A. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- B. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site. In this respect, educational facilities shall be located either on major arterial or collector streets.
- C. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- D. The off-street parking requirements of this ordinance in Article IV, Section 4.010 shall apply.

7.061.2 Special Conditions for Religious Facilities:

- A. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- B. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area, thus reducing the impact upon such area.
- C. Such facilities shall be located only on major arterial or collector streets.
- D. All bulk regulations of the district shall be met.
- E. The off-street parking requirements of this ordinance in Article IV, Section 4.010, shall apply.

7.061.3 Special Conditions for Cultural and Recreational Services:

- A. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district, except art galleries, libraries, or museums in which the primary activity is to be carried out indoors.
- B. All bulk regulations of the zone district shall apply.
- C. The off-street parking requirements of this ordinance shall apply.
- D. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.
- E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on the properties within the surrounding area.
- F. The site and architectural plans shall first be approved by the planning commission taking into account the above conditions.

7.061.4 Special Conditions for Administrative Services:

- A. All of the bulk regulations of the zone district shall apply.
- B. The off-street parking requirements shall be as follows:
 - A minimum of one (1) space for each vehicle belonging to any agency or department, as well as one (1) space for each two (2) employees, plus additional spaces for the public, as determined to be necessary. The loading requirements in Article IV, Section 4.020. shall be met.
- C. The location of such facility shall be determined such that the most efficient services to the community are provided.
- D. The location of such facility shall not materially increase traffic on surrounding streets.
- E. The location of such facility shall not have an adverse effect on surrounding properties. Fencing, screening, and landscaping, may be required as appropriate to protect the surrounding residential area.
- F. The site plan for such facility is first approved by the planning commission taking into account the above factors as well as any other pertinent factors.

7.061.5 Special Conditions for Intermediate and Extensive Impact Facilities:

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.

- C. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment.
- D. The off-street parking requirements shall be based upon a recommendation from the planning commission.
- E. The site plan for such facilities shall first be approved by the planning commission taking into account the above conditions, as well as any other pertinent factors related to the use and operation of such facility.

7.061.6 Special Conditions for Essential Public Transport, Communication, and Utility Services:

- A. The location of such facility shall be within an area in order to provide the most efficient service to the community.
- B. All of the bulk regulations of the zone district shall apply.
- C. The location of such facility shall not materially increase traffic on surrounding streets.
- D. The location of such facility shall not have an adverse effect on surrounding properties.
- E. There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.
- F. The site plan for such facility is first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

7.061.7 Special Conditions for Special Personal and Group Care Facilities.

1. Family Day Care Homes:

- A. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.
- B. All bulk and setback regulations of the district shall be met.
- C. One accessory off-street parking space for each five children accommodated in this child care facility shall be provided.
- D. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to exit the zone lot.

- E. All regulations of the State of Tennessee that pertain to the use shall be met.
 - F. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
 - G. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
2. Special Conditions for All Other Uses in this Category. Associations for Physically or Mentally Handicapped Persons, Family and Group Care Facilities, Nursing Homes, Retirement or Rest Homes:
- A. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.
 - B. All bulk and setback regulations of the district shall be met.
 - C. The requirement of the accessory off-street parking regulations of this ordinance in Article IV, Section 4.010, shall apply.
 - D. All regulations of the State of Tennessee shall be met.
 - E. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Department of Water and Sewer, and site and architectural plans for such a facility shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.
- 7.061.8 Special Conditions for Scrap Operation Activity (junk yard, salvage yard, etc.), in the I-3 District:
- A. The location and topography of the site shall be situated so that fencing, screening, and landscaping can be provided as appropriate.
 - B. The scrap operation shall not include any open burning activity on the site.
 - C. The bulk regulations and performance standards of this ordinance shall apply.
 - D. Insect and rodent control measures shall be provided as approved by the County Health Department.
 - E. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
 - F. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
 - G. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

7.061.9 Special Conditions for Group Assembly Activities:

- A. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- C. The off-street parking requirements shall be based upon a recommendation from the planning commission; and
- D. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- E. When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed:
 - (1) The minimum size site shall be twenty-five (25) acres;
 - (2) The minimum setback of all structures from all public roads shall be one hundred (100) feet;
 - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval;
 - (4) Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential streets;
 - (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary;
 - (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
 - (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
 - (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.

- (9) A comprehensive traffic impact study must be prepared by a licensed engineer, in order that any necessary signalization improvements, or public way access improvements be facilitated.

7.061.10 Special Conditions for Feedlots and Stockyards:

- A. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.
- B. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity includes outdoor animal pens the minimum lot area shall be four (4) acres.
- C. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall indicate the following:
 - (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
 - (2) Location of the area in which the proposed keeping of animals is to be conducted.
 - (3) Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.
 - (4) Proposed method of drainage of the animal pens.
 - (5) Proposed fencing of the site.
 - (6) Insect, rodent, and odor control measures shall be provided to the satisfaction of the board of appeals.
- D. The owner shall establish to the satisfaction of the board that the operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- E. In any instance where sales of any type are to be conducted at the site, the board shall assure that adequate parking is available.

7.061.11 Special Conditions for Mining Quarrying Activity.

- A. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- B. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:

- (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
 - (2) Location of the area in which the proposed quarrying activity is to be conducted.
 - (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - (4) Proposed method of drainage of the quarry area.
 - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 - (7) Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
 - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be non-toxic, non-flammable, and non-combustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
 - (9) A comprehensive traffic impact study of both volume and vehicle weight impacts as they relate to the existing and proposed street system. This study must be prepared by a licensed traffic engineer.
- C. Approval for Mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
- D. Before issuing a permit the board shall require the owner of the quarry facility to execute a bond not less than one thousand (\$1,000) or more than two thousand dollars (\$2,000) per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- E. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application, and

- F. The site plan as required in ARTICLE III, SECTION 3.120, herein, is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.12 Special Conditions for Intermediate Manufacturing (Commercial Storage of Explosives, etc.):

- A. The location of such an activity shall be in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility, or for similar cause.
- B. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- C. All regulations of the State Fire Marshall and the Ashland City Fire Department relating to the storage of potential and/or octane explosives shall be met.
- D. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- E. The site plan shall be approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.13 Adult Oriented Business Establishments as Defined in Article II. Subject to the Following Additional Restrictions:

- A. No adult-oriented establishment shall be operated or maintained in the City within two thousand (2,000) feet, measured from building to building, of a school, church, public recreation facility, day care facility, playground, or park.
- B. No adult-oriented establishment shall be operated or maintained in the City within thousand (1,000) feet, measured from intended building to property line, of a boundary of a residential zone (R-1, R-2, R-3, R-4, and R-5) or a lot devoted to residential use.
- C. No adult-oriented business establishment shall be operated or maintained in the City within thousand (1,000) feet, measured from building to building, of another adult-oriented business establishment.

7.061.14 Special Conditions for Special Institutional Care Facilities

In those districts where authorized as a conditional use, the following supplementary regulations shall apply to all uses classified in the special institutional care activity type:

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

- B. The traffic generated by such facility shall be safely accommodated along, designated arterial or collector streets as shown on the official major thoroughfare plan without traversing local minor streets.
- C. The purpose(s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose(s).
- D. The facility providing residence facilities shall have resident twenty-four (24) hour staff and appropriate professional services shall be supplied.
- E. The off-street parking requirements shall be determined by the Board of Appeals.
- F. The minimum side and rear yards shall be one hundred (100) feet for a one (1) and two (2) story building, increased by ten (10) feet for each additional story.
- G. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
- H. No facility permitted under the provisions of this section shall be located within one thousand (1,000) feet of any church, day care center, nursery school or public park. The distance shall be measured by a straight line from the nearest corner of the building of a potential licensee to the nearest corner of the main entrance of the church, day care center, nursery school or public park, where the centerline intersects with the margin of the public road.

7.061.15. Outdoor Firearms Training Facilities, Excluding Skeet Shooting. Subject to the Following Additional Restrictions: In those districts where authorized as a conditional use, the following language shall apply:

The purpose of these facilities is to safely train individuals in the handling of firearms in an urban setting with minimal impact to adjacent properties. Such facilities shall have a minimum of ten (10) acres and the rear of the firing range is setback a minimum of one-thousand (1,000) feet from any occupied structures or roads. An existing natural berm shall be present at least twenty (20) feet in height or the Board of Zoning Appeals may require a man-made berm no less than twenty (20) feet in height. Any man-made berm must be designed and certified by an engineer licensed by the State of Tennessee, as adequate. There shall be an evergreen buffer a minimum of fifty (50) feet wide on three sides of the firing range provided by the developer/owner if a natural buffer does not exist. The hours of operation shall be limited from 7:00 a.m. to 8:00 p.m. Decibel levels measured at the property lines shall be limited during hours of operation to seventy (70) dB. The developer/owner of a firearms training facility shall provide documentation that all Federal, State, and Local regulations have been met. The developer/owner shall provide two (2) parking spaces per firing point or firing lane. A site plan shall be required pursuant to the plot plan requirements Article III, Section 3.120, of the Zoning Ordinance. In addition to the site plan, the developer/owner shall submit a safety plan and a sound abatement plan. The Board of Zoning Appeals may require additional fencing, buffering, baffles, or may deny the request if the site plan does not or cannot meet the above mentioned purposes, standards and requirements, or if other significant health and safety issues are present.

7.061.16. Special Conditions for Bed and Breakfast Home Residences In those districts where authorized as a conditional use, the following supplementary regulations shall apply to all uses classified in the bed and breakfast home residence activity type:

- A. Bed and breakfast residences shall be established only within preexisting single family residences.
- B. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
- C. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
- D. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- E. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- F. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
- G. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than four (4) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
- H. One and one-half (1 1/2) off-street parking spaces shall be provided for each rentable room in addition to the required two (2) spaces required for the single family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
- I. If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.
- J. A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and made easily accessible on the floor or story.
- K. An evacuation plan must be approved by the city's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.
- L. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
- M. Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to the city's public sewerage system, certification shall be provided by the county health department

approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

7.070. Board of Zoning Appeals. In accordance with 13-7-205, Tennessee Code Annotated, a Ashland City Board of Zoning Appeals, consisting of five members, is hereby established. All members of such Board shall be appointed by the Mayor and City Council.

A. Term of Office of Board Members, Removal, and Vacancies:

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The Board first appointed shall serve respectively for the following terms: one for (1) year, two for (2) years, and two for (3) years. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the Mayor and City Council and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

B. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records and action taken thereon which shall be public records.

C. Appeals to the Board:

An appeal to the Ashland City Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Stay of Proceedings:

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.

E. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

F. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this ordinance.

7.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance. **(Amended by Deleting E, from this Section by Ordinance 329, January 9, 2007)**

A. Application:

After written denial of a permit, a property owner may make application for a variance, using the proper form which is required for requests before by the Board of Zoning Appeals.

All applications must contain all pertinent information as cited in Section 3.120, A, within this ordinance necessary to clearly ascertain the relationship of the applicable land use to it's subject property, as well as to all adjacent properties, along with any necessary supporting information as required, in order that the board be able to clearly analyze and evaluate said variance request. Furthermore, said request or application shall be presented to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals, if said request is to be officially entertained by the board of zoning appeals at it's next regularly scheduled meeting.

B. Fee:

A fee of fifty (\$50.00) payable to the Town of Ashland City shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within sixty (60) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.
7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.

7.090. Amendments to the ordinance. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Mayor and City Council of the Town of Ashland City. Any member of the Mayor and City Council may introduce such legislation, or any official, board, or any other person may present a petition to the Mayor and City Council requesting an amendment or amendments to this ordinance. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

An application by an individual for an amendment shall be accompanied by a fee of one hundred (\$100.00) dollars payable to the Town of Ashland City, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description, and scale drawing of the land illustrating topographic contours at five (5) foot intervals and existing buildings shall be submitted with said application no later than the end of the working day twenty (20) days prior to the regularly scheduled meeting date of the planning commission.

The planning commission shall review and make recommendations to the Mayor and City Council on all proposed amendments to this ordinance.

The planning commission in its review and recommendation and the Mayor and City Council in its deliberation shall make specific findings with regard to the following grounds for an amendment and shall note that the same in the official record as follows:

- A. The amendment is in agreement with the general plan for the area;
- B. It has been determined that the legal purposes for which zoning exists are not contravened;
- C. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
- D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Ashland City Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days following the planning commission meeting wherein such amendment is entertained within which to submit its report. If the Planning Commission disapproves the amendment within the thirty (30) days, it shall require the favorable vote of a majority of the Mayor and City Council to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held on all proposed amendments to this Title prior to second reading by the Board of Mayor and City Council. Notice of such hearing shall be given by the City Manager or City Recorder in a newspaper of general circulation within the city at least fifteen (15) days but no more than thirty (30) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration area.

In addition at least fourteen (14) days prior to the date of the scheduled hearing, the building inspector shall place a free standing notification sign, visible and readable to persons of ordinary vision from the abutting street, on property that is the subject of the re-zoning hearing by the board.

Such sign shall state the date, time and place of the hearing by the board and shall briefly state the existing zoning classification of the property and the requested re-zoning classification. The sign shall remain in place until the hearing. Such sign shall at all times remain the property of the city.

Upon enactment of an amendment to the zoning map which is part of the Title, the building inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

Whenever an application for an amendment to the text of this ordinance or for change in the zoning classification of any property is denied, the application for such amendment, shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the Mayor and City Council, or Planning Commission;
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- C. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

7.100. Penalties. Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

7.110. Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the City Attorney, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, or reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Separability. Should any section, clause, or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be valid or unconstitutional.

7.130. Interpretation. Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern. Moreover, whenever there is a conflict between any portion(s) of this ordinance, that portion(s) containing the more restrictive requirements shall govern.

7.140. Effective date. This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Certified by the Ashland City Municipal Planning Commission.

December 19, 1997
Date
Commission

Penelope H. Brooks
Penelope H. Brooks, Chairman
Ashland City Municipal Planning

Approved and adopted by the Mayor and City Council of the Town of Ashland City.

February 10, 1998
Date

Mary Grey Jenkins
Mary Grey Jenkins, Mayor
Ashland City, Tennessee

ATTEST:

Denetra O'Neal
Denetra O'Neal, City Recorder